IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Con.Case(C).No. 195 of 2007(S)

IN CRP.976/2000 Dated 04/02/2005
.....

PETITIONER /5TH RESPONDENT:

NIZHAR RAWTHER, AGED 48 YEARS,
S/O. MOHAMMED HUSSAIN RAWTHER,
PADINJARE NALUTHUNDATHIL, THONNALLUR MURI,
THONALLUR VILLAGE, PANDALAM.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT/ 2ND REVN. PETITIONER

ANIYAN MATHEW, AGED 42 YEARS,
S/O. MATHEW, KAMALAYATHU MAMPILALI MURI,
PANDALAM THEKKEKARA VILLAGE.

BY ADV. SRI.G.UNNIKRISHNON
AND BY ADV. SMT. THASNIM M.A.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

Cont.Case (C). NO. 195 OF 2007 S

Dated this the 9th July, 2007

JUDGMENT

H.L.DATTU, C.J.

The fifth respondent in C.R.P.No.976 of 2000 is the complainant in this contempt petition. He alleges that the respondent herein has disobeyed the order passed by this Court in the aforesaid revision petition. Therefore, a request is made to initiate appropriate proceedings against the respondent as he has wilfully and deliberately disobeyed the order passed by this Court.

2. After service of notice, the respondent has entered appearance. He has also filed counter affidavit.

3. Since we were not satisfied with the affidavit filed by the contemnor, we had directed the learned counsel appearing for the contemnor to get appropriate instructions from the respondent.

4. On instruction, learned counsel, Smt.Thasnim M.A., appearing for the contemnor would submit that the contemnor shall allot Shop No.1 [marked in Ext.R1(a)] to the complainant within two months from today. She also submits that the contemnor may be permitted to approach the authorities for fixation of fair rent.

5. This Court while disposing of the Revision Petition had issued the following direction:

> "It is directed that both the tenants herein must be re-inducted into possession within a period of 60 days

from this date with liability to pay fair rent, to be fixed by the authorities."

6. Placing on record the submission made by the learned counsel appearing for the contemnor this contempt petition is disposed of. The contemnor shall allot Shop No.1 [marked in Ext.R1(a)] to the complainant within two months from today. Liberty is reserved to the contemnor to approach the appropriate authorities for fixation of fair rent, if he so desires.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/